REMARKS/ARGUMENTS

In the Office Action, the Examiner has rejected the claims under 35 U.S.C. 102(a) as being anticipated by the International Publication Number WO 02/091178 A2 (*Sharma et al.*) Claims 1-13, 24 and 30 have been cancelled. Independent claim 14 has been amended to additionally recite the features of claims 20, 21 and 24. Independent claim 20 has been amended to additionally recite the features of claim 24. The Examiner's rejection is fully traversed below.

It is noted that *Sharma et al.* relates to performing online upgrades of applications including the <u>managed application state</u> without disrupting the functionality of the application during the upgrade process (*Sharma et al.*, Abstract). More particularly, *Sharma et al.* states that "the original state object (part of the representation of managed state schema) stores a state of the original entity bean. Then, an upgraded state object is generated and the state stored in the original state object is transferred to the upgraded state object" (*Sharma et al.*, Summary).

However, it is very respectfully submitted that *Sharma et al.* does NOT teach <u>loading an online upgrade module that includes a first container based software component, an online upgrade listener and an online upgrade specification</u> (Claim 1).

Further, it is very respectfully submitted that *Sharma et al.* does NOT teach performing online upgrade operations in multiple stages including <u>an upgrade prepare stage, a pre-upgrade stage, one or more upgrade operations, a post-upgrade stage, and a commit stage</u> (Claim 1).

Furthermore, it is very respectfully submitted that *Sharma et al.* does NOT teach <u>a pre-upgrade stage comprising: loading one or more listener classes associated with online upgrade listener, instantiating the one or more listeners associated with the online upgrade listener, and performing one or more callbacks via the online upgrade listener</u> (Claim 1).

Still Further, it is very respectfully submitted that *Sharma et al.* does NOT teach a commit stage which comprises: <u>assuring successful draining of an older version of an application program, performing one or more callbacks, unloading the older version of</u>

application program, and conveying information about the assuring, performing, or unloading to a management entity (Claim 1).

Finally, it is respectfully submitted that *Sharma et al.* does NOT teach the combination of: performing a callback to determine whether a first application program (which is an update to second program) is ready for service, performing a redirect callback to the first application program, and conveying information to a management entity about the loading or the callbacks (claim 20).

Conclusion

Based on the foregoing, it is submitted that all pending claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SUN1P849). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

R. Mahboubian
Reg. No. 44,890

P.O. Box 70250
Oakland, CA 94612-0250
(650) 961-8300